

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of October 2003, at 8:00 P.M., and there were

PRESENT: JOSEPH GIGLIA, MEMBER
 WILLIAM MARYNIEWSKI, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: ANTHONY ESPOSITO, MEMBER

ALSO PRESENT: MARY ANN PERRELLO, DEPUTY TOWN CLERK
 RICHARD SHERWOOD, TOWN ATTORNEY
 LEONARD CAMPISANO, ASS'T BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF MICHAEL & MARISA HARDING:

THE 1st CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the amended petition of Michael & Marisa Harding, 60 Stony Brook Drive, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a four [4] foot high fence in a required open space area on premises owned by the petitioner at 60 Stony Brook Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot with an exterior side yard [considered a front yard equivalent] fronting on Westbury Lane. The petitioners propose to erect a four [4] foot high fence within the required open space area of the exterior side yard fronting on Westbury Lane.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the maximum height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a one [1] foot fence height variance.

The Deputy Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Timothy Harding, the petitioner
60 Stony Brook Drive
Lancaster, New York 14086

Proponent

James Vandergrift
1 Westbury Lane
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF MICHAEL & MARISA HARDING

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. MARYNIEWSKI
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael & Marisa Harding and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- Only a chain link fence may be erected.
- Fence is to be erected seven (7) feet off south property line.
- The angle on the southwest corner is to be twenty (20) feet in length.
- The angle on the southeast corner is to be ten (10) feet in length.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	WAS ABSENT
MR. GIGLIA	VOTED YES
MR. MARYNEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

October 9, 2003

PETITION OF JOHN J. AMATI & MARY ANN COTIE:

THE 2nd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of John J. Amati and Mary Ann Cotie, 5211 Genesee Street, Bowmansville (Town of Lancaster), New York 14026 for a variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)(1) of the Code of the Town of Lancaster for the purpose of constructing an addition to a private dwelling owned by the petitioners and located at 5211 Genesee Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)(1) of the Code of the Town of Lancaster. The location of the proposed addition would result in an east side yard set back of three point five [3.5] feet.

Chapter 50, Zoning, Section 10C.(3)(b)(1) of the Code of the Town of Lancaster requires an east side yard set back of ten [10] feet. The petitioners, therefore, request a six point five [6.5] foot east side yard set back variance.

The Deputy Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

John J. Amati, the petitioner
5211 Genesee Street
Lancaster, New York 14086

Proponent

Robert Freeman
5215 Genesee Street
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF JOHN J. AMATI & MARY ANN COTIE

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of John J. Amati & Mary Ann Cotie and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential Commercial Office District, (RCO) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential Commercial Office District, (RCO) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self created, therefore should not preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	WAS ABSENT
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

October 9, 2003

PETITION OF DOUGLAS R. WICKS:

THE 3rd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Douglas R. Wicks, 405 Stony Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a pole barn on premises owned by the petitioner at 5767 Genesee Street, Lancaster, New York, to wit:

1. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is one thousand eight hundred [1, 800] square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred fifty [750] square feet. The petitioner, therefore, requests a one thousand fifty [1,050] square foot variance.

2. A variance from the requirements of Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster. The height of the proposed accessory structure is twenty-four [24] feet.

Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests an eight [8] foot height variance.

The Deputy Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Douglas R. Wicks, the petitioner
5767 Genesee Street
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF DOUGLAS R. WICKS

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Douglas R. Wicks and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

NOW, THEREFORE, BE IT

RESOLVED that this hearing be adjourned to obtain further clarification on appropriate variances necessary for this proposed pole barn.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	WAS ABSENT
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the adjournment of this hearing was thereupon
ADOPTED.

October 9, 2003

PETITION OF TIMOTHY & LINDA MCGOVERN:

THE 4th CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Timothy and Linda McGovern, 1 Nottingham Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioner at 1 Nottingham Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Nottingham Lane with an exterior side yard [considered a front yard equivalent] fronting on Thomas Drive. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Thomas Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the maximum height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Deputy Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Timothy & Linda McGovern, the petitioners
1 Nottingham Lane
Lancaster, New York 14086

Proponents

Richard Woods
8 Thomas Drive
Lancaster, New York 14086

Opponent

IN THE MATTER OF THE PETITION OF TIMOTHY & LINDA MCGOVERN

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy & Linda McGovern and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of October 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

NOW, THEREFORE, BE IT

RESOLVED that this hearing be adjourned to allow the petitioners time to decide upon the minimum variance necessary to meet their desires/needs.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	WAS ABSENT
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the adjournment of this hearing was thereupon
ADOPTED.

October 9, 2003

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 9:52 P.M.

Signed Mary Ann Perello
Mary Ann Perello, Deputy Town Clerk
Dated: October 9, 2003